



William B. Porter

DISTRICT ATTORNEY

Chief Deputy Ray Bassel
Deputy Jeremy S. Dietrich
Deputy Paul M. Binford
Deputy Aaron B. Girata

*TDD: Oregon Relay Service
Telephone (503) 842-3410
FAX (503) 842-1802*

March 23, 2015

The Honorable Senator Richard Devlin, Co-Chair
The Honorable Representative Peter Buckley, Co-Chair
The Honorable Senator Chip Shields, Co-Chair of Public Safety Sub-Committee
The Honorable Representative Jennifer Williamson, Co-Chair of Public Safety SubCommittee
Joint Committee on Ways and Means
State Capitol
900 Court Street NE
Room H-178
Salem, OR 97310-4048

Re: Information about the Implementation of HB 3194 in Tillamook

To All Concerned Individuals,

This letter is sent in response to a request for information regarding the role of District Attorneys in the implementation of HB 3194 in our respective counties.

Tillamook County has implemented all sentencing reforms contained in HB 3194. In addition, we participated in the 2013-15 Justice Reinvestment Grant Program and received \$92,000. I agreed with the decisions of the Tillamook County Sheriff and Community Corrections Director in deciding how these funds should be spent in order to meet the goals of the legislation, as well as serve public safety. Ultimately it was decided;

1. Tillamook County used JRI funds to acquire a part-time probation officer to offset caseload amounts and give direct supervision to more offenders.
2. To extend housing opportunities for offenders leaving prison without their own residence.
3. Start a GED program to offer educational classes to offenders.
4. Start two incentive programs. One program is a fishing/pro social activity where offenders must be clean at least 90 days, without sanctions to participate in a fishing/BBQ event. The second program (D.I.P.-Debt Incentive Program) encourages offenders to remain up-to-date on fees and fines by entering them into a drawing for a \$5 meal card.
5. Provide alternative sanctions to offenders. They provide work crew opportunities, intervention programs or more frequent check-ins in lieu of incarceration.

Oregon District Attorneys worked in cooperation with our public safety partners and the legislature to pass HB 3194. Attached to this letter is the news release prepared by ODAA upon the passage of HB 3194. Also attached are letters of commitment by the Governor and legislative leadership to support the changes created by HB 3194, to reinvest the savings from HB 3194 back into our public safety system

TILLAMOOK COUNTY COURTHOUSE
201 Laurel Ave
Tillamook, Oregon 97141

An Equal Opportunity Employer

as well as to not seek further significant sentencing changes. Reinvestment in proven programs that focus on reentry and crime prevention are what HB 3194 was all about. District Attorneys in Oregon are doing our part to support Justice Reinvestment in Oregon. We expect that the commitments made in exchange for our good faith concessions will be honored.

Also attached are the portions of the 2015 OCJC report on Tillamook County's numbers. I would point out that during the period in question, my charging and negotiation policies were unchanged from those in effect before HB 3194.

Sincerely,

A handwritten signature in blue ink that reads "William B. Porter". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

William B. Porter
District Attorney

wbp:cja



Oregon District Attorneys Association, Inc.

2013 Board of Directors:

Timothy Colahan, President
Robert Hermann, 1st Vice President
Paul Frasier, 2nd Vice President
Daina Vitolins, Secretary/Treasurer

Richard Wesenberg, Director
Matt Shirtcliff, Director
Rod Underhill, Director
Eric Nisley, Immediate Past President

NEWS RELEASE

July 1, 2013

Governor Kitzhaber and legislative leadership have joined together with law enforcement leadership to support a new package of laws that will improve public safety in Oregon. The package is the result of vigorous public debate and discussion, as well as robust negotiations between all the various parts of state and local government.

The Oregon District Attorneys Association feels privileged to have participated in the public process that was designed to analyze the performance of the public safety and criminal justice institutions in our state. Despite the fact that some claimed Oregon needed drastic changes because our prisons were growing at a pace which was out of control and was compromising our education system, and that our sentencing laws were overly harsh as compared to other states, the public debate proved these claims to be without factual basis. Oregon's District Attorneys welcomed this public debate because we knew how well our criminal justice works to protect the public and manage its resources carefully. Furthermore, we knew that Oregon is a much safer place than it was 20 years ago, due in large part to voter approved laws that have strengthened sentences for violent and serious repeat property crime. We knew that Oregon has a very low percentage of criminals in prison for non-violent crime and that Oregon has perhaps the best criminal justice system in the nation. Oregon has benefitted by a public safety debate which has brought these facts to the public's attention.

We have attached a list of facts about Oregon's Criminal justice system which we hope you will have time to review. These facts illustrate how well we are doing in managing these important public safety resources.

However, Oregon's District Attorneys are also firmly committed to working with our partners to continually improve our criminal justice system. In that spirit we have joined with Governor Kitzhaber and legislative leadership to support HB 3194. This bill makes targeted sentencing changes that, while not perfect, will responsibly reduce prison growth in Oregon, which was one of the primary objectives of the Governor's Public Safety Commissions. In addition, HB 3194 makes targeted investments in vigorously tested community programs that will reduce the number of offenders who fail supervision and return to prison. This will only further protect the public and control prison growth. In addition, HB 3194 establishes a new and much more independent process for continuing this public safety discussion into the future, with the establishment of the Public Policy Institute, Justice Reinvestment Committee and Reentry Court steering committees. We remain hopeful that these new

independent organizations will be valuable instruments to re-invigorate our public safety discussions with sound facts and independent information upon which all parties can rely.

Finally, Governor Kitzhaber and important legislative leadership have made a commitment to let these new reforms take full effect over time before there are any new efforts to change our fundamental sentencing structure. We have enclosed a copy of their public letter of commitment for your review. We believe this is also good public policy.

We regret that the rhetoric surrounding attacks on voter approved ballot measures reached fever pitch during the past two years, often based upon false or misleading information. Such actions only confuse and frustrate our citizens, and never serve the public interest. We believe HB 3194 is the beginning of a new constructive approach to public safety policy. We look forward to working with our governor and legislative leadership to continue to make our public safety system the very best for our citizens.

OREGON'S PUBLIC SAFETY ACCOMPLISHMENTS

Oregon has the lowest percentage of non-violent offenders in prison in the nation.

Oregon has the second lowest percentage of drug offenders in prison in the nation.

Oregon has the lowest parole recidivism rate in the nation.

Oregon returns the lowest percentage of parolees to prison for supervision violations in the nation.

Oregon's incarceration rate is one of the lowest in the nation. The national prison incarceration rate is 31% higher than our state's rate. The national county jail incarceration rate is 30% higher than our state's rate.

Measure 11 sentences are moderate by national standards. Average prison sentences for comparable violent crime across the nation exceed Measure 11 sentences by a significant amount.

Despite extremely moderate justice policies, Oregon has been the national leader in the reduction of violent crime since Measure 11 passed.

Oregon was the first state in the nation to require evidence-based practices in criminal justice.

Prison growth in Oregon is currently driven almost entirely by state population growth, and not by sentencing policy, as had earlier been contended.

Importantly, Oregon's prisons are no threat to the funding of our education system. Only 2% of Oregon's budget is spent on prisons while over 23% is spent on education and 35% on human services.

Contact Information:

Tim Colahan, ODAA President and Harney County District Attorney – 541.573.8300

Doug Harclerod, ODAA Executive Director – 541.868.6994



June 27, 2013.

JOHN A. KITCHADER, MD
Governor

Oregon Association of Chiefs of Police
1191 Capitol Street NE
Salem, OR 97301

Oregon District Attorneys Association
610 Hawthorne Avenue SE, Suite 210
Salem, OR 97301

Oregon State Sheriffs' Association
PO Box 7468
Salem, OR 97301

RE: Agreement to refrain from pursuing significant sentencing changes if prison population is controlled

My Fellow Oregonians:

House Bill 3194-A represents a negotiated resolution based on recommendations from the Commission on Public Safety. It's important that we give these agreed-to changes, along with grant opportunities for prevention and re-entry programs, a chance to take effect. By adopting these changes to public safety and corrections, our forecasting models predict that the prison population will drop in the current biennium and not approach its current population until mid-2018. In addition, our investments in proven programs that focus on re-entry and prevention will reduce recidivism and initial victimization, which will produce further bed savings beyond what we are able to forecast currently.

Assuming our forecasts hold true, over the next five years, the prison population should remain level, and we will avoid the need to build new corrections facilities. We'll also avoid an over-reliance on temporary and emergency beds within the Department of Corrections. This will achieve costs savings, which was one of the primary goals of the Commission on Public Safety, and these savings can then be re-invested in our public safety system.

I believe these assumptions will hold, and therefore I do not foresee a need to pursue additional significant sentencing changes. My preference is to instead focus our efforts on rebuilding a

Oregon Association of Chiefs of Police

Oregon District Attorneys Association

Oregon State Sheriffs' Association

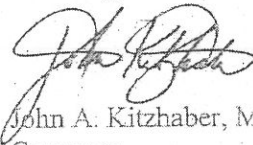
June 27, 2013.

Page 2

more collaborative relationship between the Legislature and its local law enforcement partners. It is my hope that as we continue to collaborate, we will produce measured improvements to our system, starting with how juveniles are treated.

This legislation represents a meaningful turning point, and I applaud the law enforcement community for its productive engagement.

Sincerely,



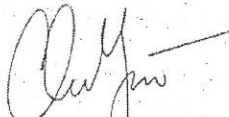
John A. Kitzhaber, M.D.
Governor


JAK:kml


Statement on HB 3194

HB 3194 makes significant changes to Oregon criminal justice policy. It is important to give these changes a chance to work. State forecasting models predict that under HB 3194, the prison population will drop in the 2013-2015 biennium and not approach its current population until mid-2018. In addition, our reinvestments in proven programs that focus on reentry and prevention are expected to reduce recidivism and initial victimization which should produce even further bed savings beyond what we have the ability to forecast.

Based on these forecasts, we will avoid additional construction of corrections facilities and also avoid an expansion of temporary and emergency beds within the Department of Corrections over the next five years. By avoiding those costs we will have accomplished one of the primary goals of the 2012 Commission on Public Safety. Assuming our forecasts hold true, the prison population should remain below 15,200 through 1/1/2018. If all of these assumptions prove to be correct, and barring any judicial invalidation of HB 3194 in whole or in part, then for the next several years we do not foresee a need to pursue recommendations of the Commission on Public Safety beyond those encompassed in HB 3194, except as may be accomplished through collaboration with law enforcement stakeholders. We look forward to the work of the Task Force on Public Safety (established in HB 3194), particularly in the area of juvenile criminal justice. Our preference will be to focus our efforts on rebuilding a more collaborative relationship between the Legislature and its local law enforcement partners. In doing this work we will realize the potential to produce agreements on measured improvements to our system of incarcerating adults and juveniles.


Representative Chris Garrett

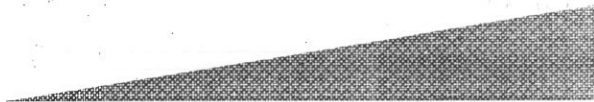
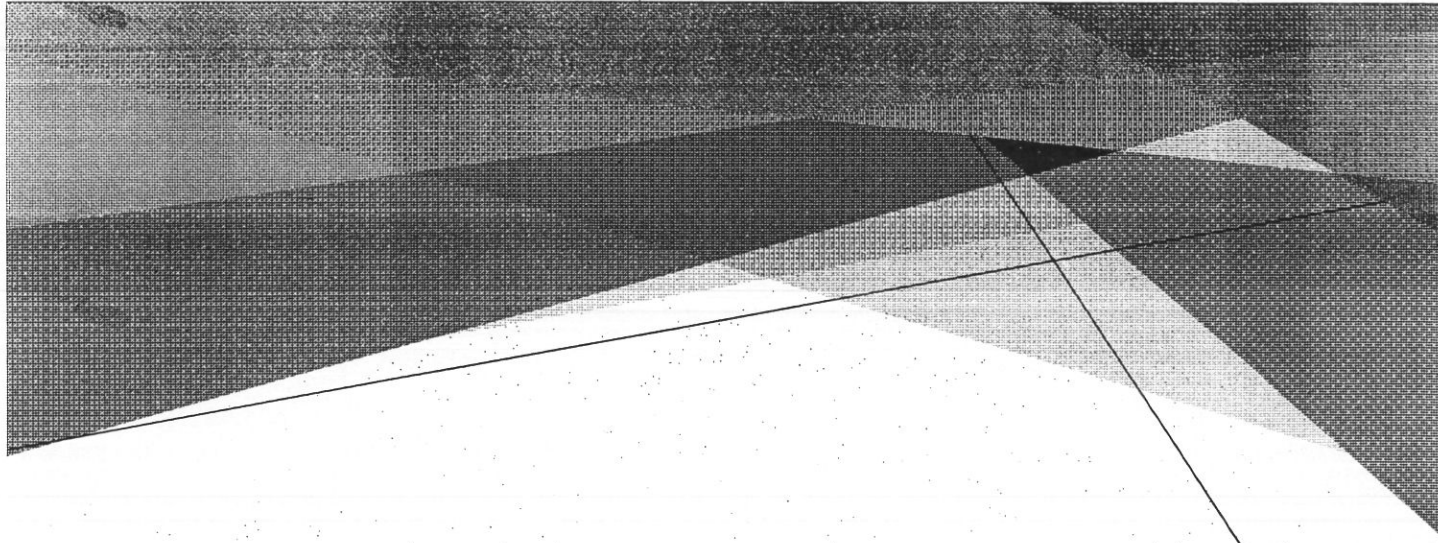

Representative Andy Olson


Representative Val Hoyle

JRI Funds

DRAFT Assuming \$58.5M and \$20M for Justice Reinvestment Fund			
County	Baseline Grant-in-Aid Formula for 13-15	100K Minimum for Reinvestment	100K Minimum for Reinvestment
BENT	1.21%	\$703,712	\$235,097
CLAT	1.27%	\$742,367	\$248,011
COLU	1.22%	\$708,551	\$236,713
LINC	1.42%	\$828,153	\$276,670
LINN	4.09%	\$2,383,001	\$796,115
POLK	1.57%	\$917,482	\$306,513
TILL	0.63%	\$364,847	\$121,889
YAMH	2.32%	\$1,354,633	\$452,557
Total	100.00%	\$58,500,000	\$20,000,000

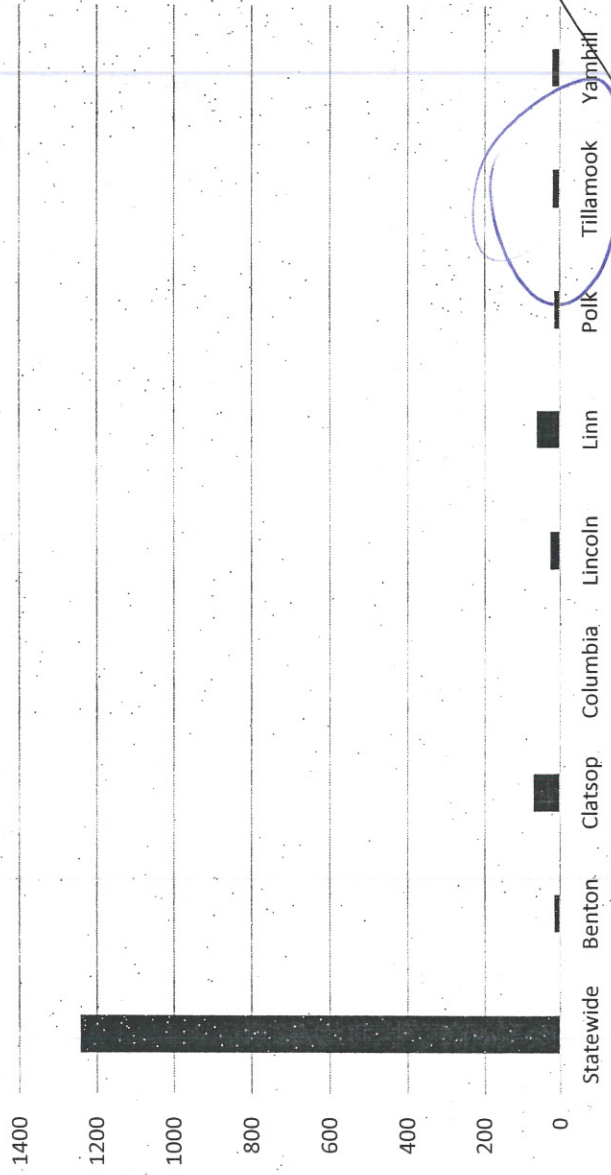
**Statewide Prison Use
Jan 2013- Dec 2013
compared to
Jan 2014-Dec 2014**



Scale is Important

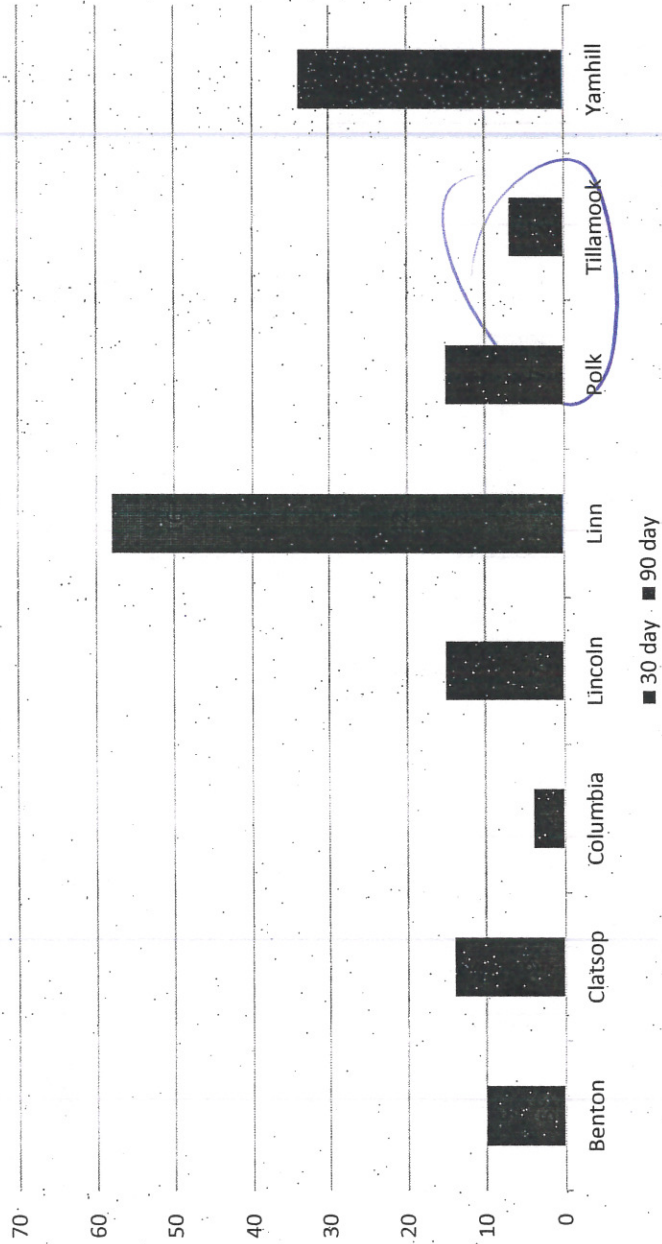
- ▶ The magnitude of intakes and prison months for each county can vary widely
- ▶ Remember to check the scale to see the magnitude for total values and differences

Property Prison Intakes 2014

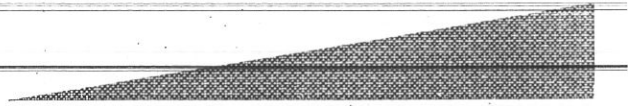
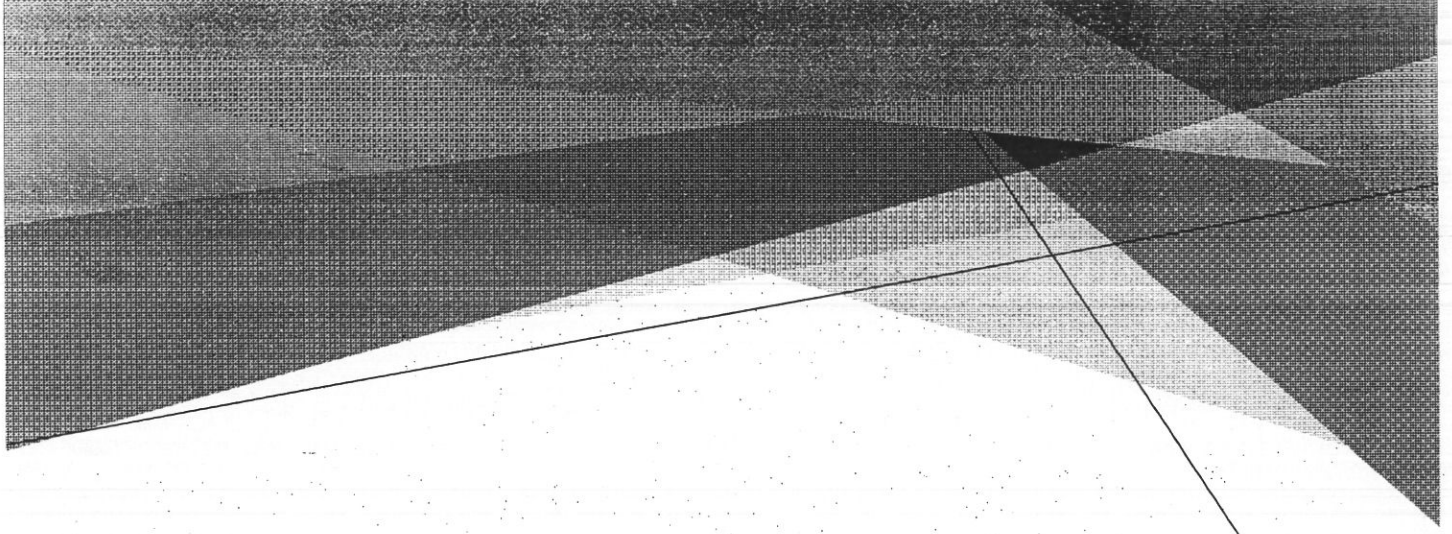


Short Term Trans Leave

Northwest Coastal Region Short Term Trans Leave Releases
Dec 2013 to Dec 2014



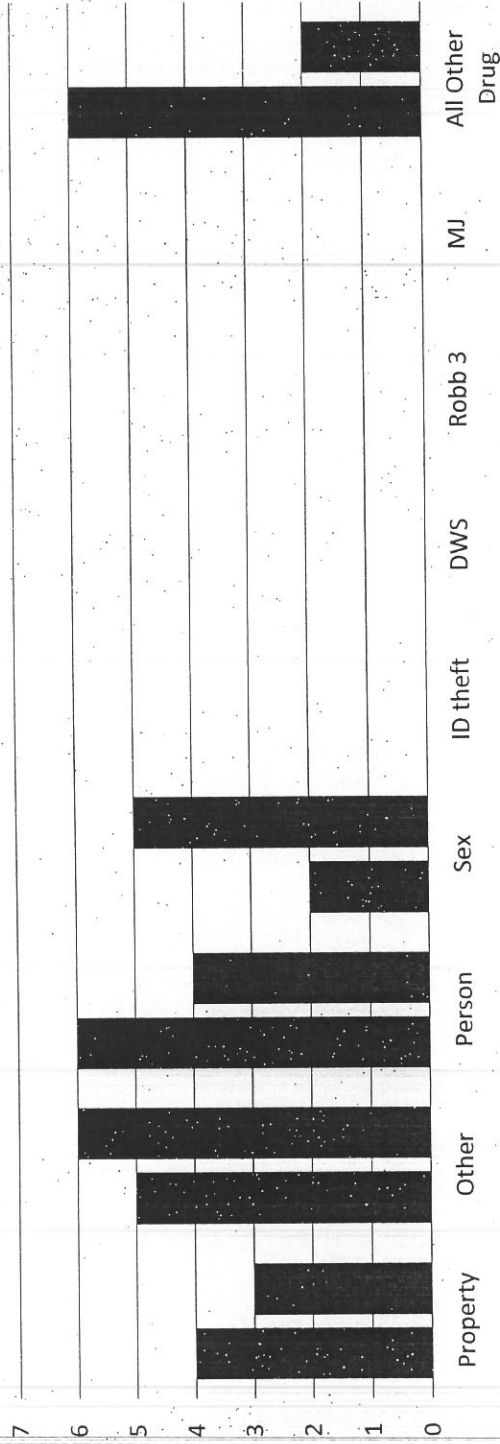
Tillamook County
Prison Use
Jan 2013- Dec 2013
compared to
Jan 2014-Dec 2014



Historical Prison Intake Comparison

- ▶ Tillamook County dropped from 23 to 20 intakes in total

Tillamook County Total Prison Intakes

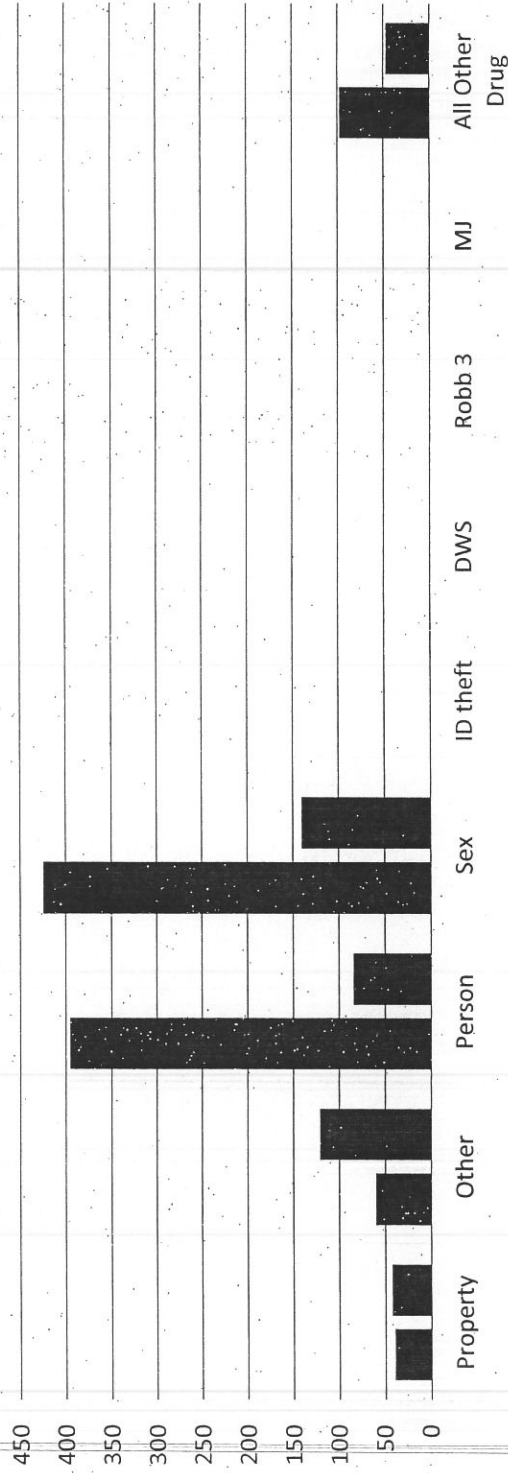


■ Jan 2013 - Dec 2013 ■ Jan 2014 - Dec 2014

Prison Months (Intakes and LOS)

▶ Tillamook County total prison months are down 57.1%

Tillamook County Total Prison Months



■ Jan 2013 - Dec 2013 ■ Jan 2014 - Dec 2014